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MEMO ENDORSED

January 4, 2007

BY FACSIMILE

Honorable James C. Francis IV
United States Magistrate Judge
United States Courthouse, Southern District of New York
500 Pearl Street, Room 1960
New York, New York 10007

USDC SDNY
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Re: Concepcion v. City of New York et. al. 05 CV 8501 (KMK) (JCF)

Dear Judge Francis:

Karen Wolhforth and I represent the plaintiff, Jody Concepcion, in the above referenced action.

The purpose of this letter is to request a one week enlargement of time to file reply papers from tomorrow January 5, 2007 to January 12, 2007 in the pending motion in the above caption case. The reason for the request is that major holidays occurred since December 22, 2006 when we received the Defendants' opposition papers. When we scheduled the two week period to reply to the defendant's opposition papers, we inadvertently overlooked the holiday period.

I requested an adjournment on consent from Mr. Jeffrey A. Dougherty, Attorney for the all Defendants, the City of New York and the Republican National Committee, however, he failed to consent because, "you objected to my questions during the [plaintiff's] deposition."

It is our position that our request for a short enlargement of time is reasonable, and is not prejudicial to the defendants. Defense Counsel's refusal to consent to a short adjournment is simply not in good faith.

Furthermore Mr. Dougherty's refusal is also unreasonable because in April of 2006 he requested an adjournment to submit opposition papers on the basis of his workload. I consented to an adjournment in April. Here, Plaintiff's Counsel seeks an adjournment due to the reduction of work days due to major holidays, Christmas, New Years and Day of Mourning for President Ford.

Accordingly, plaintiff's Counsel respectfully requests an enlargement of time of one week, from January 5, 2007 to January 12, 2007 to submit reply papers in the pending motion before this Court.

1/4/07
Application granted.
SO ORDERED.

James C. Francis IV
USMJ

Respectfully Submitted,

Zelda E. Stewart
ZELDA E. STEWART

cc: Jeffrey A. Dougherty, Esq.